

**REMARKS**

Applicant respectfully requests reconsideration. Claims 1, 3-4, 6-9, 11-13, 17, 19-20, 22-25, and 38 were previously pending in this application. By this amendment, claims 1 and 17 are currently amended, no claims are canceled, and no new claims are added. As a result, claims 1, 3-4, 6-9, 11-13, 17, 19-20, 22-25, and 38 remain pending for examination, with claims 1 and 17 being independent claims. No new matter has been added.

Claim 1 is currently amended to specify, in pertinent part, selecting an anti-PSGL-1 antibody based on its ability both to bind specifically to P-Selectin Glycoprotein Ligand-1 (PSGL-1) on the surface of an activated T cell and to induce apoptosis of the activated T cell.

Claim 17 is currently amended, in pertinent part, in a manner identical to the current amendment of claim 1.

**Interview Summary**

Applicant's representative thanks the Examiner for the courtesy of a telephone interview conducted on November 26, 2008, and a follow-up telephone interview conducted on December 17, 2008. During the two interviews the selecting step in claim 1 was discussed. The Examiner indicated in the follow-up telephone interview conducted on December 17, 2008, that the current amendment to claim 1 would overcome the Examiner's re-instatement of prior art rejections previously withdrawn in view of Applicant's amended claims filed 10/26/2007.

**Withdrawn Rejections**

Applicant acknowledges that the Examiner has withdrawn the previous rejections under 35 U.S.C. 112, first paragraph, written description / new matter and enablement.

Applicant further acknowledges that the Examiner has withdrawn the previous provisional rejection under the judicially created doctrine of obviousness-type double patenting over claims of copending application USSN 10/662,906.

### **Rejections Under 35 U.S.C. §102**

Beginning on page 7 of the Office Action, the Examiner newly rejected claims 1, 3, 6, 11-12, 17, 19, 22-24 and 38 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,840,679 to Larsen et al. and further in further evidence of Chen et al., *Blood* 104:3233-3242 (2004) and U.S. Patent Publication No. 2005/0152906 to Levanon et al.

Beginning on page 10 of the Office Action, the Examiner newly rejected claims 1, 3, 4, 6, 11-13, 17, 19, 20, 22-25 and 38 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0002450 to Lazarovits et al. and as further evidenced by the Lin 132 Declaration, filed 02/01/2007, Example 10 of the subject specification, and in further evidence of Chen et al. (*supra*) and Levanon et al. (*supra*).

Applicant respectfully submits that the current amendment to claims 1 and 17, specifying in each instance a selecting step that clearly differentiates the claimed invention from all of the cited prior art references, regardless of post-filing evidence cited by the Examiner, overcomes all current rejections made under 35 U.S.C. §102. The prior art cited in the rejection provides no basis for selecting an anti-PSGL-1 antibody based on its ability both to bind specifically to P-Selectin Glycoprotein Ligand-1 (PSGL-1) on the surface of an activated T cell and to induce apoptosis of the activated T cell. Accordingly, withdrawal of the rejection of claims 1, 3, 4, 6, 11-13, 17, 19, 20, 22-25, and 38 under 35 U.S.C. §102(b) is respectfully requested.

### **Rejections Under 35 U.S.C. §103**

Beginning on page 12 of the Office Action, the Examiner newly rejected claims 1, 3, 4, 6, 11-13, 17, 19-20, 22-25 and 38 under 35 U.S.C. §103(a) as being unpatentable over Larsen et al. (*supra*) in view of Lazarovits et al. (*supra*), in view of Trembleau et al., *J. Immunol.* 163:2960-2968 (1999), Yago et al., *J. Immunol.* 161:1140-1145 (1998), Hirata et al., *J. Exp. Med.* 192:1669-1675 (2000), U.S. Patent No. 6,056,956 to Cobbold et al., and as further evidenced by the Lin 132 Declaration (*supra*), Example 10 of the instant specification, and as evidenced by Chen et al. (*supra*) and Levanon et al. (*supra*).

Applicant respectfully submits that the current amendment to claims 1 and 17, specifying in each instance a selecting step that clearly differentiates the claimed invention from all of the cited prior art references, regardless of post-filing evidence cited by the Examiner, overcomes all current rejections made under 35 U.S.C. §103. There was no appreciation in the prior art that any anti-PSGL-1 antibody could induce apoptosis of activated T cells. The prior art cited in the rejection provides no basis for selecting an anti-PSGL-1 antibody based on its ability both to bind specifically to P-Selectin Glycoprotein Ligand-1 (PSGL-1) on the surface of an activated T cell and to induce apoptosis of the activated T cell. Absent such knowledge or expectation, a skilled person aware of the prior art would have no basis or motivation to set about selecting an anti-PSGL-1 antibody as specified in the instant claims. Accordingly, withdrawal of the rejection of claims 1, 3, 4, 6, 11-13, 17, 19, 20, 22-25, and 38 under 35 U.S.C. §103(a) is respectfully requested.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No.

A0871.70000US01.

Dated: January 5, 2009

Respectfully submitted,

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